

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STEELWORKERS OF AMERICA,)
AFL-CIO/CLC,)
)
Plaintiff,) Civil Action No. 04-12489
)
v.)
)
Pliant Corporation,)
)
Defendant.)
)

PLAINTIFF'S OPPOSITION TO THE DEFENDANT'S MOTION TO DISMISS

Pursuant to Local Rule 7.1, the Plaintiff, United Steelworkers of America, AFL-CIO/CLC (“UNION”) hereby opposes Defendant’s Fed. R. Civ. P. Rule 12(b)(6) Motion to Dismiss the above-captioned matter. This case was brought under the Worker Adjustment Retraining and Notification Act (“WARN”), 29 U.S.C. § 2101 *et. seq.*, by the Union on behalf of all Union members working at the Defendant’s Harrisville, Rhode Island facility who were affected by the facility’s permanent shutdown on September 10, 2004. The WARN Act provides that an employer permanently shutting down a facility with at least fifty affected employees must provide those employees, or their exclusive bargaining representative, at least 60 days notice before the shutdown.

The Defendant announced the permanent shutdown of the Harrisville facility on August 26, 2004. At the time of the announcement, the Harrisville facility had exactly fifty full time employees. The Defendant permanently shutdown plant operations on September 10, 2004. In doing so, the Defendant violated the WARN Act by providing

the Union and Union members less than 15 days notice before permanently closing the Harrisville facility. In further support of this Opposition, the Union submits the attached memorandum of law.

WHEREFORE, the Union respectfully requests that the Defendant's Motion to Dismiss the above-captioned matter be denied.

Respectfully submitted,
UNITED STEELWORKERS OF
AMERICA, AFL-CIO/CLC

By their attorneys,

s/ Nicole Horberg Decter
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